



Cleveland | Columbus | Cincinnati | New Jersey | New York

**Dann
Law**

216-452-1026
Direct Telephone

Marc E. Dann
MDann@DannLaw.com
Email

216-373-0536
Fax

September 17, 2020

The Honorable Dan Aaron Polster
Carl B. Stokes U.S. Courthouse
801 West Superior Avenue
Cleveland, OH 44113-1837

Re: *In re: National Prescription Opiate Litigation*, Case No. 1:17-md-2804, NAS Class Action

Dear Judge Polster:

We write to respond to Mr. Lifland's letter to the court on behalf of Janssen Pharmaceuticals dated yesterday.

Mr. Bilek's comment was a regrettable lapse in judgment during a moment of tension for which he immediately apologized. At Mr. Bilek's request his sincere and heartfelt formal written apology to this witness is attached as Exhibit A. Mr. Bilek has assured us that he will not make any similar comment in future depositions.

In making this apology, Mr. Bilek and our legal team acknowledge the gravity of his statement. We acknowledge that Mr. Bilek's comment to the witness for Janssen Pharmaceuticals was clearly inappropriate.

The proposed sanction of prohibiting Mr. Bilek from conducting further depositions is too harsh and unwarranted in this case and it would disrupt and delay upcoming depositions, including one scheduled for later this afternoon which Mr. Bilek has already prepared to conduct. The incident is both unfortunate and regrettable. We do not condone the actions and insensitivity exhibited by one lawyer during the heat of one deposition. Focusing upon this one lawyer distracts unfairly from the more notable goal of advancing the care and treatment of NAS Impacted children nationwide.



On behalf of the entire team of lawyers working to represent the Guardians of Children born with NAS we offer our apology to the court, to counsel and to the witness for this inexcusable statement that none of us endorse. We assure the court that nothing similar will take place in the future¹.

Sincerely,

A handwritten signature in black ink, appearing to read 'Marc E. Dann', written over a horizontal line.

Marc E. Dann (0039425)

Attorney at Law

¹ We are unsure if counsel intends to file a motion seeking the relief mentioned in his letter. To the extent a motion is filed, or the letter is converted to a motion, we will of course, address the motion at the proper time.